

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 7673 OF 2016

Ms. Snehal Subhash Mane and anr.Petitioners
versus
The State of Maharashtra
Through the Secretary,
School Education Department and anr. ...Respondents
with

WRIT PETITION NO. 7675 OF 2016

Mrs. Ranjita Jimmy Machado and anr.Petitioners
versus
The State of Maharashtra
Through the Secretary,
School Education Department and anr. ...Respondents

Mr. Narendra V. Bandiwadekar i/b. Mr. Mandar G. Bagkar, advocate for the petitioner.
Mr. P. P. Kakde, AGP for the State.

**CORAM : RANJIT MORE &
ANUJA PRABHUDESSAI, JJ.**

DATE : 26th JULY, 2016.

P. C. :

Heard Mr. Bandiwadekar, learned counsel for the petitioner and Mr. Kakde, learned AGP for the State.

2. On 30th December, 2013, the petitioner – institution submitted proposal to the Education Inspector(W), Jogeshwari (E) for grant of approval to the appointment of the petitioner No.1 as Shikshan Sevaks. Despite repeated requests, respondent No.2 -the Education

Inspector has not taken any decision on the petitioner-institution's said proposal on the ground that the ban imposed by the Government Resolution dated 2nd May, 2012, is still in force, and therefore, the petitioners are constrained to approach this Court by filing the instant petitions.

3. The case of the petitioners is that they are the minority institution and, therefore, they are exempted from the ban imposed by Government Resolution dated 2nd May, 2012. This fact is not disputed by Mr. Kakde, learned AGP for the State. Thus, it is clear that the approval as asked by the petitioner-institution cannot be rejected on the ground of ban imposed vide Government Resolution dated 2nd May, 2012. Similar issue was raised in **writ petition No. 2207 of 2016 in case of Vinod Laxman Shelkar and anr. versus the State of Maharashtra and anr..** This petition was disposed of by order dated 31st March, 2016 and we directed the Education Officer therein to consider afresh the proposal of the petitioner-institution.

4. In the above circumstances, we quash and set-aside the impugned order and direct respondent No.2- Education Inspector (W), to consider afresh the petitioner's proposal dated 30th December, 2013, a copy of which is annexed to Exhibit E, page 32 of the petitions. The

petitioner's proposal shall be decided as expeditiously as possible and preferably within a period of four weeks from the date of receipt of this order. The writ petitions stand disposed of accordingly.

5. All concerned to act upon a copy of this order duly authenticated by the Registry of this Court.

(ANUJA PRABHUDESSAI, J.)

[RANJIT MORE, J.]